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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/532,213

04/22/2005

Mark T Fahey

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05/28/2008

NATH & ASSOCIATES
112 South West Street
Alexandria, VA 22314

EXAMINER

LEE, JINHEE J

ART UNIT

PAPER NUMBER

2175

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/532,213	Applicant(s) FAHEY, MARK T	
	Examiner Jinhee J. Lee	Art Unit 2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on __ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 35-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 35 recites the limitation "the or each cable" in line 4, this is confusing.

Should the recitation be the at least one substantially continuous length of cable?

Clarify. Claims 37-40 on line 1 also has this same recitation.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 33, 35-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Hawker et al. (6486407).

Re claim 21 (as best understood), Hawker et al. discloses a loom (with 66 for example) with at least one cable (40, 66 for example) having at least four insulated electrically conducting cores being at least a first core, a second core, a third core and a fourth core, the cores being held together for a substantial length of the cable (see figures 2 and 6 for example), there being at spaced apart locations along the length of

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the cable a plurality of a first set of sockets (48, 67 for example) with for each location at least one female socket of the first set with electrically conducting contacts within the socket one of which contacts is electrically connected to the first core, and a second of which contacts is connected to the second core, each socket being electrically arranged to provide an electrical supply to a male plug when appropriately inserted into the female socket and provide an electrical supply providing an active connection and a neutral connection, and there being, also at spaced apart locations along the length of the cable a plurality of sockets with for each location at least one female socket being of a second set of sockets with electrically conducting contacts within the socket of the second set one of which contacts is electrically connected to the third core, and a second of which contacts is connected to the fourth core, each socket being electrically arranged to provide an electrical supply to a male plug when appropriately inserted into the female socket and provide an electrical supply providing an active connection and a neutral connection (see figures 1, 2 and 6 for example).

Re claim 33. Hawker discloses a wiring assembly for a building comprising an electrical power supply backbone (common trunk area including 62, 61, 64 and portions of 66 for example), a first end thereof being adapted to connect directly to an incoming mains power supply at a switch board of the building, the assembly further comprising a plurality of sockets (67 for example) which are electrically connected to the backbone at spaced apart locations along the length thereof, wherein in use, the sockets may be arranged to be located at spaced apart locations through a building for convenient connection thereto (see figure 2 for example). Note, it has been held that the recitation

that an element is “adapted to” perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

Re claim 35. Hawker discloses a wiring assembly, wherein the backbone comprises at least one substantially continuous length of cable (61 to 66 for example) that is further comprised of at least two electrically insulated sets (portions of 66 for example) of electrically conducting cores of substantially continuous length (at 64 for example), there being for the or each cable a set of the electrical sockets(67 for example), where each socket is electrically connected to a separate set of the electrically conducting cores thereof (at 66 for example).

Re claim 36. Hawker discloses a wiring assembly, wherein the backbone comprises two or more substantially continuous lengths of cable that are held together at least at a beginning of the backbone (at 61, 64 and beginning of 66 for example).

Re claim 37. Hawker discloses a wiring assembly, wherein the or each cable in the backbone comprises two separately insulated sets of electrically conducting cores of substantially continuous length, each set including an active, and a neutral core (see figure 1 and figure 2 at 66 for example) .

Re claim 38. Hawker discloses a wiring assembly, wherein the or each cable in the loom comprises three separately insulated sets of electrically conducting cores of substantially continuous length, each set including an active, a neutral and an earth core (see figure 1 for example).

Re claim 39. Hawker discloses a wiring assembly, wherein the or each cable in the backbone comprises a further electrically insulated core of substantially continuous length, so that each of the electrical sockets in a set is electrically connected to a separate set of the electrically conducting cores and the further core, which is common to each socket (at 61, 64 for example).

Re claim 40. Hawker discloses a wiring assembly, wherein the or each cable in the loom comprises two separately insulated sets of electrically conducting cores of substantially continuous length (at 66 for example), each set including an active and a neutral core, where the further, common core is an earth (see figure 1 for example).

Re claim 41. Hawker discloses a wiring assembly, wherein the cores of the loom are, at the end of the loom adapted to be electrically connected to a mains switched supply, adapted to be bared so as to be connected to a traditional connector block. Note, it has been held that the recitation that an element is “adapted to” perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

Re claim 42. Hawker discloses a wiring assembly, wherein the mains electrical power supply supplies power within the range of approximately 50 Hertz to 60 Hertz frequency and a voltage which will be approximately within a range of from 110 volts to 450 volts (inherent, for the application of this prior art).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 34 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawker in view of LeMaster (5149277).

Re claim 34. Hawker substantially discloses a wiring assembly as set forth in claim 33 above, wherein the sockets provide for insertion therein of a plug providing electrical connection for such plug with respective electrical conductors of the electrical power supply backbone (see figure2 for example). Hawker does not explicitly disclose, each of the plugs being electrically connected to an externally accessible fixed electrical socket in the building. However, LeMaster teaches of each of the plugs being electrically connected to an externally accessible fixed electrical socket in the building (see figures 1 and 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use each of the plugs being electrically connected to an externally accessible fixed electrical socket in the building of LeMaster on the assembly of Hawker in order to provide extra outlets in the building.

Re claim 43. Hawker substantially discloses a wiring assembly as set forth in claim 33 above. Hawker does not explicitly disclose, a method including the steps of electrically connecting a wiring assembly to the mains power supply switch board at its first end, and arranging the sockets so that these are located at spaced apart locations through the building for convenient connection thereto. However, LeMaster teaches of a method including the steps of electrically connecting a wiring assembly to the mains power supply switch board at its first end, and arranging the sockets so that these are

located at spaced apart locations through the building for convenient connection thereto (see figures 1 and 4 and column 9 lines 14-16 according to the numbering in the middle). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a method including the steps of electrically connecting a wiring assembly to the mains power supply switch board at its first end, and arranging the sockets so that these are located at spaced apart locations through the building for convenient connection thereto of LeMaster on the assembly of Hawker in order to provide extra outlets in the building stemming from the switch board.

Response to Arguments

7. Applicant's arguments filed 2/4/08 have been fully considered but they are not persuasive.

In response to applicant's arguments that the prior arts do not teach "sockets electrically connected to the backbone and located at spaced apart locations through a building", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

In response to applicant's arguments that the prior arts do not teach "adapted to connect", note, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

In response to applicant's arguments that the prior arts do not teach "sockets...at spaced apart locations", examiner disagrees. Figure 2 clearly shows that the sockets are spaced apart and are connected spaced apart as claimed.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinhee J. Lee whose telephone number is 571-272-1977. The examiner can normally be reached on M-F at 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 571-272-2100 ext. 75. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jinhee J Lee/
Primary Examiner, Art Unit 2175